

EXHIBIT A TO ADMINISTRATIVE ORDER 08-01

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO

In Re:

**Manuel Ayala**  
**Migdary Ayala**

Debtor(s)

\* Chapter 13

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Case No. 09-44465

Judge Kay Woods

RIGHTS AND RESPONSIBILITIES OF  
CHAPTER 13 DEBTORS AND THEIR ATTORNEYS

It is important for debtors who file a bankruptcy case under Chapter 13 to understand their rights and responsibilities. It is also important that debtors know what their attorney's responsibilities are, and understand the importance of communicating with their attorney to make the case successful. Debtors should also know that they may expect certain services to be performed by their attorney. In order to ensure that debtors and their attorneys understand their rights and responsibilities in the bankruptcy process, the following guidelines provided by the Court are hereby agreed to by debtors and their counsel.

This document is not a fee agreement. Debtors and attorneys are encouraged to execute fee agreements and should review Administrative Order No. 08-01 as to services that must be provided within certain fixed fees.

A. Before the case is filed:

The debtor agrees to:

1. Provide the attorney with accurate and, to the best of the debtor's ability, complete financial information, including debtor's federal income tax for the most recent tax year ending immediately before the commencement of the case and for which a Federal income tax return was filed.
2. Discuss with the attorney the debtor's objectives in filing the case.
3. Keep all scheduled meetings and/or appointments, both with the attorney and with other parties to the case.

4. Respond to all attorney requests as soon as possible.
5. Provide the attorney with a working telephone number or other means of communication.
6. Obtain credit counseling from an approved nonprofit budget credit counseling agency during the 180-day period preceding the date of the petition or provide the attorney with accurate information to prepare a certificate of exigent circumstances, as required by 11 U.S.C. § 109(h).
7. Inform the attorney about any pending lawsuits brought by or against the debtor and any claims the debtor may have against third parties.

The attorney agrees to:

1. Personally meet with the debtor to review the debtor's assets, liabilities, income, and expenses.
2. Counsel the debtor regarding the advisability of filing either a Chapter 7 or a Chapter 13 case, discuss both procedures with the debtor, and answer the debtor's questions.
3. Explain what payments will be made directly by the debtor, such as mortgage and vehicle lease payments, and what payments will be made through the Chapter 13 plan.
4. Explain to the debtor how, when, and where to make the required Chapter 13 plan payments.
5. Explain to the debtor how the attorney's fees and Trustee's fees are paid.
6. Explain to the debtor that the first plan payment must be made to the Trustee within ten (10) days after the date the plan is filed.
7. Advise the debtor of the requirement to attend the Section 341 Meeting of Creditors and bring to the meeting, valid, unexpired, government-issued picture identification, proof of social security number, and proof of vehicle insurance.
8. Advise the debtor of the necessity of maintaining liability, collision, and comprehensive insurance on all vehicles owned or leased by the debtor.
9. Advise the debtor of the necessity of maintaining insurance on any real property that the debtor may own.
10. Timely prepare and file all documents required to be filed pursuant to 11 U.S.C. § 521.
11. Advise whether and on what fee basis the attorney will represent the debtor in the event that an adversary proceeding needs to be pursued or defended.

B. After the case is filed:

The debtor agrees to:


1. Keep the Trustee and the attorney informed as to the debtor's current address and phone number.
2. Timely make all Chapter 13 payments to the Trustee.
3. Timely make all post-petition payments to any creditors that the debtor has agreed to pay directly, and, if appropriate, maintain proper insurance coverage and pay post-petition tax obligations concerning the same in a timely fashion.
4. Cooperate with the attorney in preparing all pleadings and attending all hearings as required.
5. Prepare and file all delinquent federal, state, and local tax returns, and thereafter file with all taxing authorities all required tax returns in a timely manner and provide copies to the attorney, pursuant to 11 U.S.C. § 521(e)(2) and (f).
6. Promptly inform the attorney of any wage garnishments or attachments of assets which occur or continue to occur after the filing of the case.
7. Let the attorney know if the debtor is sued at any time during the case, or threatened with legal action.
8. Let the attorney know if a creditor attempts to collect on a debt.
9. Contact the attorney regarding any changes in employment, increases or decreases in income, or any other financial problems or changes.
10. Cooperate with the attorney and the Trustee in timely producing any financial or supporting documents requested by the attorney or the Trustee.
11. Contact the attorney to find out what approvals are required before buying, refinancing, or selling real property, or before entering any long-term loan or lease agreements.
12. Complete an instructional course concerning personal financial management, as set forth in 11 U.S.C. § 1328(g).

The attorney agrees to:

1. Continue to represent the debtor through the conclusion of the case, whether by dismissal or discharge.

2. Instruct the debtor as to the date, time, and location of the Section 341 Meeting of Creditors and advise the debtor about documents required for the Section 341 meeting.
3. Respond to objections to plan confirmation, and, when necessary, prepare an amended plan.
4. Prepare, file, and serve necessary plan modifications, which may include suspending, decreasing, or increasing plan payments.
5. Prepare, file, and serve necessary amended statements and schedules in accordance with information provided by the debtor.
6. Prepare, file, and serve necessary motions to incur debt, or to buy, sell, or refinance real property when appropriate.
7. Object to improper or invalid claims, if necessary, based upon documentation provided by the debtor.
8. Be available to respond to the debtor's questions throughout the life of the plan.
9. Represent the debtor in motions for relief from stay and motions to dismiss or convert.
10. Provide such other legal services as are necessary to the administration of the case before the Bankruptcy Court, which include, but which are not limited to, meeting with the debtor, presenting appropriate legal pleadings, and making necessary court appearances.
11. File an executed copy of this document with the Court, and provide executed copies of it to the debtor and the Trustee.


Dated: 11-24-09

  
Manuel Ayala

Dated: 11-24-09

  
Migdary Ayala

Dated: 4/24/09

  
Bruce R. Epstein, Esq.